

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Terrence Mitchell;	)	C.A. No. 4:08-1009-TLW-TER
	)	
Petitioner;	)	
	)	
vs.	)	ORDER
	)	
Warden, Allendale Correctional Institution;	)	
	)	
Respondent.	)	
_____	)	

The Petitioner, proceeding *pro se*, brings this action seeking habeas relief pursuant to 28 U.S.C. § 2254. Petitioner seeks to have his conviction and sentence vacated.

On August 8, 2008, the Respondent moved to dismiss Petitioner's claims. The Petitioner did not respond. On September 17, 2008, United States Magistrate Judge Thomas Rogers, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.), filed a Report and Recommendation ("the Report"). In his Report, Magistrate Judge Rogers recommends that the Respondent's motion to dismiss be granted. Petitioner did not file objections to the Magistrate's Report.<sup>1</sup>

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence

---

<sup>1</sup>The Bureau of Prisons indicates that Petitioner's sentence expired April 1, 2008. The Petitioner did not leave a forwarding address, and Petitioner's present address is unknown. All documents mailed to Petitioner have been returned.

of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

In light of this standard, the Court has carefully reviewed the Report and has concluded that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 27); and Respondent's motion to dismiss is **GRANTED** (Doc. # 21).

**IT IS SO ORDERED.**

S/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

December 3, 2008  
Florence, South Carolina